

*United States Court of Appeals
for the Second Circuit*



APPELLEE'S BRIEF

WF
JLG
EVG

75-7450

To be argued by
Roy M. Cohn

IN THE

United States Court of Appeals

FOR THE SECOND CIRCUIT

DAILY MIRROR, INC.,

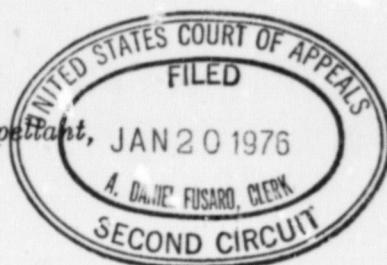
Plaintiff-Appellant, JAN 20 1976

v.s.

NEW YORK NEWS INC., HARRY GARFINKLE,
UNION NEWS COMPANY, INC., AMERICAN
NEWS COMPANY, INC., and ANCOP, INC.,

Defendants-Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK,
HONORABLE MARVIN E. FRANKEL, DISTRICT JUDGE



BRIEF OF DEFENDANTS-APPELLEES, AMERICAN NEWS
COMPANY, INC., UNION NEWS COMPANY, INC.,
and ANCOP, INC.

SAXE, BACON & BOLAN, P.C.
Attorneys for Defendants-Appellees
American News Company, Inc., Union
News Company, Inc. and Ancorp, Inc.
39 East 68th Street
New York, New York 10021
(212) 472-1400

ROY M. COHN
Of Counsel

3

TABLE OF CONTENTS

	Page
Statement of Concurrence	I

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

DAILY MIRROR, INC.,

Plaintiff-Appellant,

- against -

NEW YORK NEWS INC., HARRY GARFINKLE, UNION NEWS
COMPANY, INC., AMERICAN NEWS COMPANY, INC., and
ANCORP, INC.

Defendants-Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF NEW YORK, HONORABLE MARVIN E. FRANKEL, DISTRICT JUDGE

BRIEF FOR DEFENDANTS-APPELLEES, AMERICAN NEWS COMPANY,
INC., UNION NEWS COMPANY, INC., and ANCOP, INC.

STATEMENT OF CONCURRENCE

Having carefully examined the brief submitted herein by the firm of
Townley, Updike, Carter & Rodgers, attorneys for Defendant-Appellee, New York
News Inc., the undersigned, as attorneys for the aforementioned Appellees, hereby
join in each and every part of said brief and adopt it as its brief for the
aforementioned Defendants-Appellees.

Respectfully submitted,

SAXE, BACON & BOLAN, P.C.
Attorneys for Defendants-
Appellees, American News
Company, Inc., Union News
Company, Inc. & Ancorp, Inc.
39 East 68th Street
New York, New York 10021
(212) 472-1400

ROY M. COHN of Counsel

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

DAILY MIRROR, INC.,

Plaintiff-Appellant,

-against-

NEW YORK NEWS INC., HARRY GARFINKLE,
UNION NEWS COMPANY, INC., AMERICAN
NEWS COMPANY, INC., and ANCOP, INC.,

Defendants-Appellees.

75-7450

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)ss:
COUNTY OF NEW YORK)

MARI SACCO, being duly sworn, deposes and says:

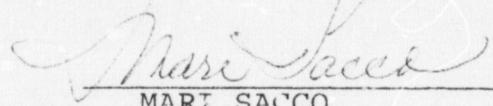
I am not a party to this action, am over the age of 18 and reside at Brooklyn, New York. On the 14th day of January, 1967 I served the Brief for the Defendants-Appellees American News Company, Inc., Union News Company, Inc., and Ancorp, Inc. upon the attorneys for the other parties as listed below by depositing them in a mail box under the exclusive care and control of the United States Postal Service:

TOWNLEY, UPDIKE, CARTER & ROGERS
Attorneys for Defendant-Appellee
New York News
220 East 42nd Street
New York, New York 10017

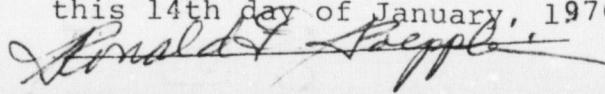
BARRETT G. KREISBERG, ESQ.
Attorney for Defendant-Appellee
Harry Garfinkle
104 East 40th Street
New York, New York 10016

ROBERT W. FARRELL, ESQ.
Attorneys for Plaintiff-Appellant
67 Park Avenue
New York, New York 10016

Three copies of said brief were served upon each of the addressees.


MARI SACCO

Sworn to before me,
this 14th day of January, 1976



RONALD F. POEPPLIN
NOTARY PUBLIC, STATE OF NEW YORK
No. 30-4508069
Qualified in Nassau County
Commission Expires March 30, 1977

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

DAILY MIRROR, INC.,

Plaintiff-Appellant,

- against -

NEW YORK NEWS INC., HARRY GARFINKLE, UNION NEWS COMPANY,
INC., AMERICAN NEWS COMPANY, INC., and ANCOPR, INC.,

Defendants-Appellees.

AFFIDAVIT OF SERVICE

SAXE, BACON & BOLAN, P.C.

Attorneys for Defendants-Appellees- American News Company, Inc.,
39 EAST 68th STREET Union News Company, Inc.,
NEW YORK, N.Y. 10021 and Ancorp, Inc.
(212) 472-1400

To:

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated:

.....
Attorney(s) for

PLEASE TAKE NOTICE

- that the within is a (certified) true copy of a
NOTICE OF ENTRY entered in the office of the clerk of the within named court on 19

 that an Order of which the within is a true copy will be presented for settlement to the Hon.
NOTICE OF SETTLEMENT at one of the judges of the within named Court,
on 19 , at M.

Dated:

Attorneys for

SAXE, BACON & BOLAN, P.C.

39 EAST 68th STREET
NEW YORK, N.Y. 10021

To:

Attorney(s) for

N 912 CL

STATE OF NEW YORK, COUNTY OF

ss:

I, the undersigned, am an attorney admitted to practice in the courts of New York State, and

certify that the annexed

Attorney's
Certification
 has been compared by me with the original and found to be a true and complete copy thereof.

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for
I have read the annexed

Attorney's
Verification
by
Affirmation
 know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following:

The reason I make this affirmation instead of _____ is _____

I affirm that the foregoing statements are true under penalties of perjury.

Dated:

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am

in the action herein: I have read the annexed

Individual
Verification
 know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

the _____ of

Corporate
Verification
 a corporation, one of the parties to the action: I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on

, 19

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

age and reside at

being sworn says: I am not a party to the action, am over 18 years of

On

, 19

, I served a true copy of the annexed

in the following manner:

Service
By Mail
by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Personal
Service
by delivering the same personally to the persons and at the addresses indicated below:

Sworn to before me on

, 19

(Print signer's name below signature)

